

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

TRUSTEES OF THE PAINTERS
UNION DEPOSIT FUND,

Case No. 02-74119

Plaintiff,

Hon. Gerald E. Rosen

v.

GARRETT DEVELOPMENT CO. and
W. JERRY GARRETT,

Defendants.

**ORDER GRANTING PLAINTIFF'S
MOTION FOR ATTORNEY FEES AND COSTS**

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on September 30, 2005

PRESENT: Honorable Gerald E. Rosen
United States District Judge

On September 28, 2004, the Court entered a judgment in this case in favor of Plaintiff and against Defendants, in the amount of \$73,678.06 plus such attorney's fees and costs as allowed by law and authorized by the Court. By motion filed on October 5, 2004, Plaintiff now seeks an award of attorney fees and costs pursuant to § 502(g)(2)(D) of ERISA, 29 U.S.C. § 1132(g)(2)(D). Defendants have not responded to this motion.

Having reviewed Plaintiff's motion and the record as a whole, the Court finds that Plaintiff is entitled to an award of "reasonable attorney's fees and costs." 29 U.S.C. § 1132(g)(2)(D). The Court further finds that the amounts disclosed in Plaintiff's motion

— specifically, \$12,316.25 in attorney’s fees¹ and \$268.00 in costs — are reasonable in light of the relevant circumstances. Accordingly,

NOW, THEREFORE, IT IS HEREBY ORDERED that Plaintiff’s October 5, 2004 Motion for Attorney Fees and Costs is GRANTED. IT IS FURTHER ORDERED that Defendants shall pay to Plaintiff the amounts of \$12,316.25 in attorney’s fees and \$268.00 in costs, in addition to the underlying amount awarded in the September 28, 2004 Judgment.

s/Gerald E. Rosen
Gerald E. Rosen
United States District Judge

Dated: September 30, 2005

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 30, 2005, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry
Case Manager

¹There is a minor discrepancy in Plaintiff’s motion on this point. In the body of its motion and brief in support, Plaintiff states that it has been charged \$12,472.50 in attorney’s fees in this litigation. Yet, the exhibit cited in support of this contention discloses attorney’s fees in the slightly smaller amount of \$12,316.25. (See Plaintiff’s Motion, Ex. A.) The Court will use this smaller figure in determining a reasonable award in this case.